



THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK

Date: May 22, 2013

Sponsored by Council Members: Motsavage, Webb, Matzo, Mihalko, Berg, Papastrat

Introduced by Committee: Municipal & Public Affairs

RESOLUTION

entitled

A RESOLUTION AUTHORIZING A NOISE
VARIANCE FOR ZONA & CO. GRILLE

WHEREAS, Zona & Co. Grille (the "Applicant"), located at 15 Hawley Street, Binghamton, New York, has applied for a special variance to the City's noise regulations, as outlined in chapter 292, *Noise*, in accordance with the attached permit application ("Exhibit A"); and

WHEREAS, the Applicant wishes to hold outdoor events on the following dates: May 24, 31; June 7, 10, 21, 28; July 12, 15, 26; and August 2, 9, 16, 29, such events to be held at 15 Hawley Street; and

WHEREAS, City Council held a public hearing on May 22, 2013.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE, that a special variance to the City of Binghamton's noise regulations as set forth in Chapter 292 of the Code of the City of Binghamton, entitled *Noise*, is hereby granted to Zona & Co. Grille for outdoor events on the following dates: May 24, 31; June 7, 10, 21, 28; July 12, 15, 26; and August 2, 9, 16, 29 from 7:00 P.M. to 10:00 P.M. for any date falling on a Sunday through Thursday and from 7:00 P.M. to 11:00 P.M. for any date falling on a Friday or Saturday, such events to be held at 15 Hawley Street, in accordance with the attached Exhibit A; and be it further

RESOLVED that notwithstanding the foregoing, the Council of the City of Binghamton may revoke this variance, after giving written notice to the Applicant and providing an opportunity for the Applicant to be heard, for any violation of the time limits or complaints for noise in excess of the anticipated noise outlined in Exhibit A.

I hereby certify the above to be a true copy
of the legislation adopted by the Council
of the City of Binghamton at a meeting
held on 6/5/13. Approved by the
Mayor on 6/6/13.



Office of the City Clerk

Date Filed: 4-12-13
License No: NP13-003
Ad Ch # 1424

City Hall, 38 Hawley Street, Binghamton, NY 13901 607-772-7005

NOISE PERMIT APPLICATION

Event Information

Name of Event: Live music
Date(s)/Time(s) of Event: 5/10, 5/13, 5/16, 5/24, 5/31, 6/7, 6/10, 6/21
Location of Event: Zona & Co. Grille 15 Hawley St Binghamton, NY
Dates/Times of Event: 6/28, 7/12, 7/15, 7/26, 8/2, 8/9 13901
Sponsoring Organization: 8/16, 8/29

Contact Information

mail Name of Applicant: Michael Tulse
Address: 1533 Pearl St. Vestal, NY 13850
Phone (Home/Work/Cell): 607 972 4443 772 9662 work

Additional Information

Is Applicant the owner of the property where the event will be located? Yes ☐ No ☒
(If the answer to the above question is 'No', the owner of the property must provide written consent.)

Provide a description of the plans, specifications and any other information pertinent to the source of sound and vibration.

Fred meagher will draft letter of
consent by monday 4/15

Provide a description of the sound, including estimated sound levels at the source property and across any real property boundaries, along with the date(s) and time(s) during the day that the sound will be generated.

Live music by established bands at
a toriable noise level for conversation
on patio as well

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APR 12 2013

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CITY OF BINGHAMTON



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Provide a description of noise control methods that will be used to restrict emissions of the generated sound.

umbrellas on patio, volume control by band

Provide a description of the time schedule for the installation of noise abatement and control devices, technology and procedures or process modifications that will be followed to restrict the emissions of the sounds and vibrations.

7-11 pm

By signing below, I acknowledge that in the event the City Clerk issues a permit, the permit shall be valid for the time period requested, but shall be rendered invalid if the actual source of sound authorized under the permit, as measured by a law enforcement officer, causes a continuous noise level in excess of 70 db(A) across any real property boundary.

Applicant Signature

Date

8/10/12



Office of the City Clerk

Date Filed: _____

License No: _____

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Application contains written consent of property owner where event will take place: Yes ☒ No ☐

Duration of requested permit to exceed three days: Yes ☐ No ☒

Permit granted for the same location, similar event, and for same sponsor within the four weeks prior to this application: Yes ☐ No ☐

Verification of Applicant's signature: Yes ☐ No ☐

Proposed source of sound to cause noise level in excess of seventy (70) db(A) across any real property boundary: Yes ☐ No ☐

Application Determination

City Clerk: Approved ☐ Denied ☐

Signature: _____ Date: _____

If application is denied, please provide explanation in the space provided below.

Permit not accompanied by fee:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Permit not accompanied by property owner's written consent:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Requested duration exceeds three days:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Permit issued within four weeks prior to this application:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Sound source will cause noise in excess of seventy (70) db(A):	Yes <input type="checkbox"/> No <input type="checkbox"/>
Applicant's signature was not verified:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Application was incomplete:	Yes <input type="checkbox"/> No <input type="checkbox"/>

Other:
